

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN RE CREDIT DEFAULT SWAPS AUCTIONS
LITIGATION

Case No.: 1:21-cv-00606-KJG-JHR

**STIPULATION REGARDING VOLUNTARY DISMISSAL OF CLAIMS
AGAINST DEFENDANT IHS MARKIT LTD.**

WHEREAS, on June 30, 2021, Plaintiff New Mexico State Investment Council commenced the above-captioned action (the “Action”) by filing a class action complaint (the “Complaint”), *see* ECF No. 1;

WHEREAS, on November 15, 2021, Defendant IHS Markit Ltd. (“IHS Markit”) moved to dismiss the Complaint, *see* ECF No. 138;

WHEREAS, in accordance with the Stipulation and Order Regarding Service and Time to Respond to the Complaint, *see* ECF No. 77, on December 15, 2021, Plaintiff advised IHS Markit that Plaintiff elects to amend the Complaint in response to Defendant IHS Markit’s Motion to Dismiss the Complaint, *see* ECF No. 144;

WHEREAS, on December 20, 2021, Plaintiff and Defendants, including IHS Markit, submitted to the Court a Stipulation and [Proposed] Order Regarding Filing the Amended Complaint and Time to Respond to the Amended Complaint, *see* ECF No. 144, stating, in part, that Plaintiff will file an amended class action complaint (the “Amended Complaint”) on or before February 4, 2022;

WHEREAS, on December 22, 2021, the Court entered the Stipulation and Order Regarding Filing the Amended Complaint and Time to Respond to the Amended Complaint; *see* ECF No. 145;

NOW, THEREFORE, IT IS STIPULATED AND AGREED:

1. Plaintiff agrees to voluntarily dismiss all claims against IHS Markit without prejudice to reassert such claims against IHS Markit at a later time should evidence arise in discovery or otherwise reveal information providing a basis for joining IHS Markit on the claims being litigated in this case.

2. The Parties further agree that any statute of limitations, statute of repose, or other time-related defense or claim shall be tolled as to IHS Markit. Any claim as to IHS Markit will be deemed to have been filed on June 30, 2021 (the filing date of the Complaint) and tolling as to all such claims shall extend until final adjudication (after all appeals) of the dismissal of the Action. The Parties hereto also agree that IHS Markit will not assert a statute of limitations or statute of repose defense based on this dismissal without prejudice or the time period excluded by this tolling agreement. For avoidance of doubt, IHS Markit does not waive and expressly reserves any defenses, including any statute of limitation defense, that it may have had as of June 30, 2021.

3. The Parties further agree that IHS Markit will respond to all discovery requests under Fed. R. Civ. P. 26 as if it remained a defendant in the Action, subject to the Federal Rules of Civil Procedure and analogous local rules. Markit does not waive and expressly reserves any objections that it may properly assert in response to any discovery requests from Plaintiff.

Dated: February 3, 2022

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